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APPLICATION NO. FILING DAT		LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,201	09/546,201 04/10/2000		John M. Polo	930049.464/1463.002	3605
27476	7590	10/22/2002			
Chiron Cor	poration		EXAMINER		
Intellectual I P.O. Box 80	Property - 97		FOLEY, SHANON A		
Emeryville, CA 94662-8097				ART UNIT	PAPER NUMBER
				1648	19
				DATE MAILED: 10/22/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

·	Application No.	Applicant(s)				
Advisory Action	09/546,201	POLO ET AL.				
	Examiner	Art Unit				
•	Shanon Foley	1648				
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence address				
THE REPLY FILED 07 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
PERIOD FOR RE	PLY [check either a) or b)]					
a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.						
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).						
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
1. A Notice of Appeal was filed on Appellant's 37 CFR 1.192(a), or any extension thereof (37 CFR						
2. $\  \  \  \  \  \  \  \  \  \  \  \  \ $	ecause:					
(a) Ithey raise new issues that would require further consideration and/or search (see NOTE below);						
(b) ☑ they raise the issue of new matter (see Note below);						
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) They present additional claims without canceling a corresponding number of finally rejected claims.						
NOTE: See Continuation Sheet.						
3. Applicant's reply has overcome the following rejection(s):						
4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).						
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:						
6. The affidavit or exhibit will NOT be considered becraised by the Examiner in the final rejection.	ause it is not directed SOLELY	to issues which were newly				
7. For purposes of Appeal, the proposed amendments explanation of how the new or amended claims we						
The status of the claim(s) is (or will be) as follows:						
Claim(s) allowed: <u>none</u> .						
Claim(s) objected to: none.						
Claim(s) rejected: <u>26,28-31 and 33-44.</u>						
Claim(s) withdrawn from consideration: none.						
8. The proposed drawing correction filed on is	a)□ approved or b)□ disapp	roved by the Examiner.				
■ Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s)						
0. ☐ Other:						
<del></del>						
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Application No.

Continuation of 2. NOTE: Applicant amended claim 26 to include a "DNA-dependent" RNA polymerase. Applicant states on page 2 of the response that this type of promoter is described throughout the specification. However, the examiner is unable to locate support for this new added limitation. If the examiner is in error and applicant is able to point to support for this limitation, the new concept would require an additional search. Further, the proposed limitation does not obviate the prior art rejections because the skilled artisan would be motivated to express a heterologous antigen and dsRNA by two separate promoters with a more than reasonable amount of success using conventional methods to control the amount of expression of each.

JAMES

VISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600